

force, effect, and attributes of a docketed order of the district court including, but not limited to, availability of contempt of court proceedings against an employer, trustee, or other payor for noncompliance. However, any information contained in the income withholding order related to the amount of the accruing or accrued support obligation which does not reflect the correct amount of support due does not modify the underlying support judgment.

Sec. 8. Section 598.21, subsection 4A, paragraph c, Code 1995, is amended to read as follows:

c. Notwithstanding paragraph "a", in a pending dissolution action under this chapter, a prior determination of paternity by operation of law through the marriage of the established father and mother of the child may be overcome under this chapter if the following conditions are met:

(1) The established father and mother of the child ~~submit~~ file a written statement with the court that both parties agree that the established father is not the biological father of the child and the

(2) The court finds that it is in the best interest of the child to overcome the established paternity. In determining the best interest of the child, the court shall consider the criteria provided in section 600B.41A, subsection 3, paragraph "g".

If the court overcomes a prior determination of paternity, the previously established father shall be relieved of support obligations as specified in section 600B.41A, subsection 4. In any action to overcome paternity other than through a pending dissolution action, the provisions of section 600B.41A apply. Overcoming paternity under this paragraph does not bar subsequent actions to establish paternity if it is subsequently determined that the written statement attesting that the established father is not the biological father of the child may have been submitted erroneously, and that the person previously determined not to be the child's father during the dissolution action may actually be the child's biological father.

Sec. 9. Section 600B.41, subsection 2, Code 1995, is amended to read as follows:

2. ~~If a blood or genetic test is required, the court shall direct that inherited characteristics, including but not limited to blood types, be determined by appropriate testing procedures, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results and to report to the court.~~

Approved April 24, 1995

CHAPTER 53

FAMILY INVESTMENT AND RELATED HUMAN SERVICES PROGRAMS – ADDITIONAL REQUIREMENTS S.F. 352

AN ACT relating to the family investment program and related human services programs by requiring the department of human services to apply for certain federal waivers and providing applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. WELFARE REFORM.

1. The department of human services shall submit a waiver request or requests to the United States department of health and human services as necessary to implement the

changes in the family investment program under chapter 239 and the job opportunities and basic skills program under chapter 249C, as provided by this section. In addition, the department may submit additional waiver requests to the United States department of agriculture to make changes in the federal food stamp program and to the United States department of health and human services to make changes to the medical assistance program under chapter 249A, as necessary to revise these programs in accordance with any waiver provision implemented pursuant to this section.

2. For the purposes of this section unless the context otherwise requires:

a. "Applicant" means an individual who has applied to be a recipient of public assistance.

b. "Minor parent" means an applicant or recipient parent who is less than eighteen years of age and has never been married.

c. "Public assistance" means the family investment program under chapter 239 and job opportunities and basic skills or JOBS program under chapter 249C.

d. "Recipient" means the same as provided in chapter 239 and includes individuals whose income is considered by the department.

3. The department of human services shall apply for federal waivers to implement the following provisions for applicants for and recipients of public assistance:

a. To promote responsibility and strengthen family values, the department shall require the following of minor parents, and recipient parents who are 19 years of age or less, as indicated:

(1) Unless any of the following conditions apply, a minor parent shall be required to live with their parent or legal guardian:

(a) The parent or guardian of the minor parent is deceased, missing, or living in another state.

(b) The minor parent's health or safety would be jeopardized if the minor parent is required to live with the parent or guardian.

(c) The minor parent is in foster care.

(d) The minor parent is participating in the job corps solo parent program or independent living program.

(e) Other good cause exists which is identified in rules adopted by the department for this purpose for the minor parent to receive public assistance while living apart from the minor parent's parent or guardian.

(2) A minor parent who is a recipient and is not required to live with the minor parent's parent or guardian pursuant to subparagraph (1) shall be required to participate in a family development program identified in rules adopted by the department.

(3) Minor parents who are recipients and recipient parents who are 19 years of age or less shall be required to attend parenting classes.

b. To focus on the educational needs of minor parents, the department shall require, subject to the availability of child day care for a minor parent's children, that a minor parent must either have graduated from high school or have received a high school equivalency diploma, or be engaged full-time in completing high school graduation or equivalency requirements.

c. To encourage the development of a strong work ethic, in calculating public assistance eligibility and the amount of assistance, the department shall disregard earnings of an applicant or a recipient who is 19 years of age or younger who is engaged full-time in completing high school graduation or equivalency requirements.

d. To strengthen measures addressing welfare fraud, the department shall strengthen sanctions to disqualify recipients who commit fraud relating to public assistance. In establishing sanctions pursuant to this paragraph, the department shall establish the same or similar penalties for the family investment program and for the food stamp program.

e. To make expectations of recipients consistent with practices in the private sector, contingent upon the availability of funding to provide child day care for the children of recipients who would not be exempt, the department shall revise the JOBS program

exemption for recipient parents with young children to be limited to parents with children who are less than three months of age.

f. To remove incentives for parent and caretaker relative applicants who received public assistance in another state and move to Iowa to seek public assistance, the department shall limit public assistance payment amounts to the lesser of Iowa's standard of payment or the standard of payment of the person's previous state of residence. If such an applicant received aid to families with dependent children in another state within one year of applying for public assistance in this state, the requirements of this paragraph shall apply for the period of six months from the date of applying for public assistance in this state. The department shall determine the applicant's eligibility for public assistance in this state using the eligibility requirements of this state. If eligible in this state, based upon the family size used to determine eligibility, the department shall compare the standard grant amount the applicant would receive in this state with the standard grant amount in the other state. For the six-month period, the applicant's standard grant amount when receiving public assistance shall be the lesser of the two amounts. The department shall apply this state's policies in determining the applicant's amount of net income and the resulting amount shall be subtracted from the applicant's applicable standard grant.

g. To encourage responsible decision making by families receiving public assistance, the department shall do all of the following with newly eligible and existing recipient parents:

(1) Discuss orally and in writing the financial implications of newly born children on the recipient's family.

(2) Discuss orally and in writing the available family planning resources.

(3) Include family planning counseling as an optional component of the job opportunities and basic skills program.

(4) Include the recipient's family planning objectives in the family investment agreement.

Sec. 2. CONTINGENCY PROVISION – TRANSFER. The waiver request or requests submitted by the department of human services pursuant to section 1 of this Act to the United States department of health and human services shall be to apply the provisions of section 1 statewide. If federal waiver approval of a provision of section 1 of this Act is granted, the department of human services shall implement the provision in accordance with the federal approval. If a provision of this Act is in conflict with a provision of chapter 239 or 249C, notwithstanding that provision in chapter 239 or 249C, the provision of this Act shall be implemented and the department shall propose an amendment to chapter 239 or 249C to resolve the conflict. The department may transfer moneys appropriated for a waiver provision to another appropriation as deemed necessary by the department if the waiver provision is denied by the federal government.

Sec. 3. RULES. The department of human services shall adopt administrative rules pursuant to chapter 17A to implement the provisions of section 1 of this Act. If necessary to conform with federal waiver terms and conditions or to efficiently administer the provisions, the rules may apply additional policies and procedures which are consistent with the provisions of section 1 of this Act.

Sec. 4. APPLICABILITY. The effective date of each waiver provision in section 1 of this Act granted by the federal government shall be set by rule. However, none of the waiver provisions of section 1 of this Act shall be implemented before July 1, 1996. If federal law is amended to permit this state to initiate any of the provisions of section 1 of this Act without a federal waiver, the department of human services shall proceed to implement the provisions within the time period required by this section.